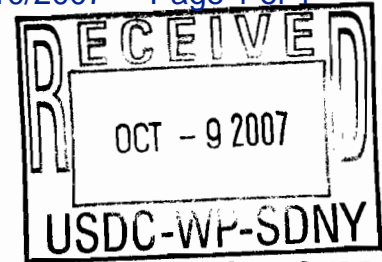




STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL



MEMO ENDORSED

ANDREW M. CUOMO
Attorney General

October 5, 2007

LESLIE G. LEACH
Executive Deputy Attorney General
Division of State Counsel

JUNE DUFFY
Assistant Attorney General in Charge
Litigation Bureau

By Facsimile at (914) 390-4152 to:
The Honorable Kenneth M. Karas
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Horn v. O'Brien et al.
07 Civ. 7822 (KMK)

USDS SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: _____
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Your Honor:

I am an Assistant Attorney General in the Office of Andrew M. Cuomo, Attorney General of the State of New York, counsel for state defendant Richard O'Brien. An answer or other response to the complaint on behalf of defendant O'Brien is due on October 9, 2007. I write respectfully, and with the consent of plaintiffs' counsel, to alert the Court that service has not been effectuated on the remaining state defendant Timothy Sammon, and to ask for an extension of time so that an answer or other response to the complaint can be made on behalf of both state defendants. Pursuant to my conversation with plaintiffs' counsel, I am providing under separate cover to him information regarding where defendant Sammon can be served. I respectfully request that defendants be given thirty days from the date of service upon defendant Sammon to answer or otherwise respond to the complaint. That will permit me any opportunity to speak to defendant Sammon and review the complaint with him in order to prepare a thorough response to the complaint.

No previous request for an extension of time has been made. I have received permission from Chambers to send this letter via facsimile. I thank the Court for its consideration.

Defendants are given 60 days to answer or otherwise respond to the complaint, on the assumption that service on Sammon is done in the next 30 days. If that proves wrong, Defendants may seek additional relief.

cc: **Via Facsimile at (201) 221-8665 to:**
Michael P. Barnes, Esq., Counsel for Plaintiffs

Respectfully submitted,
Susan H. Odessky
Susan H. Odessky
Assistant Attorney General
(212) 416-8572

SORDERED

[Signature]
KENNETH M. KARAS U.S.D.J.
10/9/07